

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

EMMERICH NEWSPAPERS, INCORPORATED PLAINTIFF

VS. CIVIL ACTION NO. 3:23-CV-26-TSL-MTP

PARTICLE MEDIA, INC. DEFENDANT

CONSOLIDATED WITH

EMMERICH NEWSPAPERS, INCORPORATED PLAINTIFF

VS. CIVIL ACTION NO. 3:23-CV-391-TSL-MTP

PARTICLE MEDIA, INC. DEFENDANT

ORDER

Plaintiff Emmerich Newspapers, Incorporated (Emmerich) has moved to voluntarily dismiss its claims as to 27,100 articles [Dkt. 263, 268, 270]¹ of the 33,734 articles on which its complaint was originally based, leaving at issue some 6,634 articles. The court will grant Emmerich's motions, and therefore, it is ordered that Emmerich's claims based on the 27,100 articles identified in Dkt. 270-1 are dismissed with prejudice.

¹ Emmerich's claims as to 16,017 of the 27,100 articles referenced in Emmerich's motion were previously dismissed by Emmerich's July 4, 2024 Notice of Voluntary Dismissal. See Dkt. 158, 158-1. The claims relating to the photographs were also previously dismissed. See Dkt. 159, 159-1.

Further, because the parties' numerous pending motions were filed prior to the dismissal of the vast majority of the articles and photographs on which the complaint was based, and because the parties' explanations of the effect of the dismissals on the pending motions are neither consistent nor entirely illuminating, it is hereby ordered that on or before February 6, 2025, the parties shall refile all pending motions and memoranda to account for Emmerich's recent dismissal of the referenced articles/photographs, except they shall not be required to refile any motion(s) which is completely unaffected by the dismissals. Responses and rebuttals shall be due thereafter in accordance with the court's Local Rule 7(b)(4).

SO ORDERED this 6th day of January, 2025.

/s/ Tom S. Lee
UNITED STATES DISTRICT JUDGE